



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

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Mr. Stephen L. Johnson, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

It is my understanding that you recently are in receipt of a letter from the Governor of the Commonwealth of Kentucky, Steven L. Beshear, expressing his opposition to the proposed modifications to the "Excess Spoil Minimization – Stream Buffer Zone" rule being offered by the Office of Surface Mining (OSM). I am writing today to add my comment to the record in opposition to the modifications being proposed to this rule.

In mid-October of this year, the United States Department of the Interior proposed to modify restrictions on dumping mountaintop mining waste near rivers and streams. The effect of these modifications would rewrite a regulation that has been in effect since 1983, and which our current state regulators also help to administer. Furthermore, it is my understanding that the proposed modifications include new waivers from current rules, which will be difficult to uniformly apply and which have the potential to open up increased environmental abuse in mining areas.

Coal is an integral part of Kentucky's economy and an important domestic energy resource. Nevertheless, our rivers and streams are also critical natural resources that must be protected if we are to pass along a stable environment to coming generations. I support environmentally-conscious mining and am concerned that a series of new waivers to existing regulations will lead to the potential for abuse or arbitrary enforcement.

Thank you for the opportunity to comment and feel free to contact our office with any questions.

Sincerely,

A large, stylized handwritten signature of Jack Conway in black ink.

Jack Conway
Attorney General

c: Hon. Steven L. Beshear

